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PTO/SB/21 (08-00)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paper Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. TRANSMITTAL **Application Number** 10/691.186 **FORM** Filing Date October 22, 2003 (to be used for all correspondence after initial filing) First Named Inventor John G. ATWOOD **Group Art Unit** 1744 **Examiner Name** William H. BEISNER 7 pages plus Total Number of Pages in This Attorney Docket Number 5010-141-01 5 documents Submission ENCLOSURES (check all that apply) $|\mathbf{X}|$ Appeal Communication to Board of Fee Transmittal Form Drawing(s) Appeals and Interferences Appeal Communication to Group Fee Attached Licensing-related Papers (Appeal Notice, Brief, Reply Brief) Amendment / Reply Petition **Proprietary Information** Petition For Extension of Time After Final Status Letter Petition to Convert to a Affidavits/declaration(s) Acknowledgement Postcard Provisional Application Power of Attorney, Revocation Change of Correspondence Other Enclosure(s) (please Extension of Time Request identify below): Address Form PTO/SB/08a (1 page), **Express Abandonment Request** Terminal Disclaimer Form PTO/SB/08b (1 page), Copies of Cited Documents (5 documents), and Credit Card Payment Form for \$180.00. Information Disclosure Statement Request for Refund Certified Copy of Priority CD, Number of CD(s) Customer No. 35411 Document(s) Response to Missing Parts/ After Allowance Incomplete Application Communication to Group Response to Missing Parts Remarks under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm or Leonard D. Bowersox Individual name Signature Date September 20, 2006 **CERTIFICATE OF MAILING** Date: September 20, 2006 Label No. EV333350625US I hereby certify that, on the date indicated above, I deposited this paper with identified attachments and/or fee with the U.S. Postal Service and that it was addressed for delivery to Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, by "Express Mail Post Office to Addressee" service. Type or printed name Virginia J. Byers Signature Date September 20, 2006

This collection of information is required by 27 CFR 1.5. The information is required to obtain or retain a benefit by the public which his to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS: SEND TO: Commissioner for Patents, Washington, D.C. 20231.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Complete if Known Effective on 12/8/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). Application Number 10/691,186 FEE TRANSMITTAL Filing Date October 22, 2003 First Named Inventor John G. ATWOOD For FY 2006 **Examiner Name** William H. BEISNER Applicant Claims small entity status. See 37 CFR 1,27 Art Unit 1744 TOTAL AMOUNT OF PAYMENT (\$) 180.00 Attorney Docket No. 5010-141-01 METHOD OF PAYMENT (check all that apply) Check x Credit Card Money Order None Other (please identify):_ Deposit Account Deposit Account Number: 50-0925 Deposit Account Name: Kilyk & Bowersox, P.L.L.C. For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) Charge fee(s) indicated below Charges fee(s) indicated below, except for the filing fee Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments under 37 CFR 1.16 and 1.17 WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. **FEE CALCULATION** 1. BASIC FILING, SEARCH, AND EXAMINATION FEES FILING FEES SEARCH FEES **EXAMINATION FEES** Small Entity Small Entity **Small Entity Application Type** Fee (\$) Fee (\$) Fee (\$) Fee (\$) Fee (\$) Fee (\$) Fees Paid (\$) Utility 300 150 500 250 200 100 Design 200 100 100 50 130 65 Plant 200 100 300 150 160 80 Reissue 300 150 500 250 600 300 Provisional 200 100 0 0 0 0 2. EXCESS CLAIM FEES Small Entity Fee Description Fee (\$) Fee (\$) Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent 50 25 Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent 200 100 Multiple dependent claims 360 180 **Total Claims** Extra Claims Fee (\$) Fee Paid (\$) Multiple Dependent Claims - 20 or HP = Fee (\$) Fee Paid (\$) HP = highest number of total claims paid for, if greater than 20 Indep. Claims Extra Claims Fee Paid (\$) -3 or HP = HP = highest number of independent claims paid for, if greater than 3 3. APPLICATION SIZE FEE If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41 (a)(1)(G) and 37 CFR 1.16(s). **Total Sheets** Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$) - 100 = (round up to a whole number) **/50=** 4. OTHER FEE(S) Fees Paid(\$) Other: Fee for Information Disclosure Statement \$180.00 SUBMITTED BY Registration No. Signature 33,226 Telephone 703-385-9688 Name (Print/Type) Leonard D. Bowersox September 20, 2006 Date

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

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Virginia J. Byers
Name (Print)
Signature

Daté: September 20, 2006 Label No. EV333350625US

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Virginia J. Byers

Name (Print)

Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

10/691,186

Confirmation No.:

6805

Applicants

John G. ATWOOD et al.

Filed

October 22, 2003

TC/A.Ù.

1744

Examiner

William H. BEISNER

Attorney Docket No. :

5010-141-01

Customer No.

35411

Mail Stop Amendment Commissioner for Patents P. O. Box 1450

Alexandria, VA 22313-1450

September 20, 2006

INFORMATION DISCLOSURE STATEMENT

Sir:

The attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached Forms PTO/SB/08a and PTO/SB/08b. Copies of the listed documents that have not been filed in a related case and are non-U.S. patents or non-U.S. published patent applications are enclosed.

The attention of the Patent and Trademark Office is also directed to commonly owned and co-pending applications numbers 10/929,961, filed August 30, 2004, 11/433,872, filed May 12, 2006, and 11/433,892, filed May 12, 2006.

Petition is hereby made for consideration of this Information Disclosure Statement, which is being submitted after issuance of an Office Action on the merits but before any final Office Action or Notice of Allowance.

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The above information is presented so that the Patent and Trademark Office can, in the first instance, determine any materiality thereof to the claimed invention. See 37 CFR 1.104(a) and 1.106(b) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the documents cited in the attached Form PTO/SB/08b be made of record therein and appear on the first page of any patent to issue therefrom.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in this application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

A Credit Card Payment Form covering the amount of \$180.00 for the filing of this Information Disclosure Statement is included. The Commissioner is hereby authorized to charge any additional fee (or credit any overpayment) associated with this Statement to Deposit Account No. 50-0925.

Respectfully submitted,

Leonard D. Bowersox/ Reg. No. 33,226

KILYK & BOWERSOX, P.L.L.C.

3603-E Chain Bridge Road Fairfax, Virginia 22030

Tel: (703) 385-9688 Fax: (703) 385-9719

Enclosures: Forms PTO/SB/08a (1 page) and PTO/SB/08b (1 pages) and 5 cited documents

PTO/SB/08a (05-03) OMB 0651-0031

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)							Complete if Known				
							Application Number			10/691,186	
							Filing Date			October 22, 2003	
							First Named Inventor		nventor	John G. ATWOOD	
							Art Unit			1744	
							Examiner Name			William H. BEISNER	
Sheet 1 of 2				2	Attorney Docket Number		5010-141-01				
U.S. PATENT						NT DO	T DOCUMENTS				
Examiner	Cite	Document Number	r	Publication	Date		Name of Patentee or		ntee or	Pages, Columns, Lines, Wh	ere
Initials*	No.1	Number - Kind Code ² (if known)		MM-DD-YYYY 03-09-2004		Applicant of Cited Document		Relevant Passages or Relevant Figures Appear			
	T	US-6,703,236				Atwood					
)) 				01-18-2000		Atwood					
		US-5,475,610		12-12-1995		Atwood et al.					
		US-4,865,986		09-12-1989		Coy et al.					
	US-4,814,787		03-21-1989		Doi						
			02-19-1985		Stoltman et al.						
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 'Applicant's unique citation designation number (optional). 'See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 'Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 'For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 'Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 'Applicant is to place a check mark here if English language Translation is attached. Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Date: <u>September 20, 2006</u> Label No. <u>EV333350625US</u>
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Virginia J. Byers	Maunt Sul	>
Name:	Signature:	

PTO/SB/08b (05-03)

Approved for use through 10/31/2002. OMB 0651-0031

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a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE					Complete if Known				
				•	Application Number 10/691,186				
				OCUDE	Filing Date October 22		October 22, 2003		
					First Named Ir	nventor	John G. ATWOOD		
STATEMENT BY APPLICANT (use as many sheets as necessary)					Art Unit 1744				
				cessary)	Examiner Nam	е	William H. BEISNER		
Sheet 2 of 2			Attorney Docke	t Number	5010-141-01				
NON PATENT LITERATURE DOCUMENTS									
Examiner Initials* Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the iter (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city, and/or country where published.						sue number(s),	T ²		
		OLIVER, Diane G., et al., "Thermal Gradients in Microtitration Plates, Effects of Enzyme-Linked Immunoassay", Journal of Immunological Methods, Vol. 42, 1981, pgs. 195-201.							
		Disclosure of Testimony of Shariar Motakef, Ph.D. Pursuant to Fed. R. Civ. P26(A)(2), re: The Perkin- Elmer Corporation and Roche Molecular Systems, Inc. v. MJ Research, Inc., In the United States District Court for the District of Connecticut, Case No. 3-98-CV-1201 DJS, served August 31, 2000.							
		Supplemental Disclosure of Testimony of Shariar Motakef, Ph.D. Pursuant to Fed. R. Civ. P26(A)(2), re: The Perkin-Elmer Corporation and Roche Molecular Systems, Inc. v. MJ Research, Inc., In the United States District Court for the District of Connecticut, Case No. 3-98-CV-1201 DJS, dated September 27, 2000.							
		Verdict Form re: Applera Corporation and Roche Molecular Systems, Inc. v. MJ Research Inc. and Michael and John Finney, In the United States District Court for the District of Connecticut, 3:98-CV-1201 (JBA), dated April 2, 2004. Claim Construction of Disputed Terms in U.S. Patents 5,333,675, 5,656,493, and 5,475,610, re: Applera							
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 'Applicant's unique citation designation number (optional). 'See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 'Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 'For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 'Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 'Applicant is to place a check mark here if English language Translation is attached. Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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Signature Sun Sun Name: Virginia J. Byers